

From: rbf
To: Microsoft ATR
Date: 1/25/02 5:25pm
Subject: Microsoft settlement

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

Subject: Microsoft Settlement

Dear Ms Hesse,

I would like to comment on the Proposed Final Judgement pursuant to the Tunney Act.

The settlement does not deal with software incompatibilities introduced by Microsoft to impair competing products, or with their corruption of open standards to the same end. This has been a favorite anti-competitive tactic of theirs, which they have the temerity to call 'innovation'.

The definitions of "middleware" & "API" are excessively narrow, permitting Microsoft to evade them with semantic manoeuvres such as calling a communication protocol an administrative protocol.

It does not deal with Microsoft's continuing anti-competitive behavior since the original judgment, such as tying windows XP with .NET.

It allows Microsoft to continue milking the public & frustrating competition by introducing undocumented changes in Office formats.

It allows Microsoft to continue licensing practices intended to prevent competing products from being installed under their operating system.

It relies on behavioral remedies which have in the past been quite ineffective with Microsoft, who simply disregard any agreements to cease their deprecated practices .

I have been a software practitioner for over 25 years. In my experience, Microsoft are without peer in the shoddiness of their products. If they were required to compete on the merits, they would not enjoy their present monopoly, consumers would have reliable computing facilities, & the business world would not be spending \$10 billion a year remedying Microsoft's cavalier disregard for quality.

While time is on the monopolist's side, & it would benefit the public to settle the case before Microsoft can extend its monopoly further, the proposed settlement is not in the public interest & should be rejected.

Thank you for the opportunity to comment.

-- Rich Fuchs rfuchs@post.harvard.edu
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